

Denis Stearns, State Bar No. 1020675
R. Drew Falkenstein, WSBA #33401
dstearns@marlerclark.com
dfalkenstein@marlerclark.com
MARLER CLARK, LLP PS
701 First Avenue, Suite 6600
Seattle, WA 98104
Tel. (206) 346-1888
Fax (206) 346-1898
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

<p>J.R., a minor child, and Z.R., a minor child, and their parents GERARD ROSPLOCH and NICOLE ROSPLOCH,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>JBS USA, LLC d/b/a "JBS Swift & Company," a foreign corporation,</p> <p style="text-align: center;">Defendant.</p>	<p>NO. 2:09-cv-806</p>
--	------------------------

STIPULATION AND ORDER OF DISMISSAL

STIPULATION

All the parties hereto, by and through their respective attorneys of record, hereby stipulate to the following:

(1) All claims asserted by all parties to this action should be dismissed, without prejudice, and without award of costs to any party, so that the parties may pursue settlement;

(2) This stipulation may be executed in one or more counter-parts, each of which shall constitute one and the same instrument, and which shall be binding and enforceable as if all parties had executed the same documents; and

(3) The proposed order of dismissal subjoined hereto may be presented to and entered by the court ex parte.

RESPECTFULLY SUBMITTED this 7th day of December, 2009.

s/Denis W. Stearns

Denis W. Stearns, State Bar No. 1020675

R. Drew Falkenstein, WSBA #33401

MARLER CLARK, LLP, PS

701 Fifth Avenue, Suite 6600

Seattle, WA 98104

Phone 206.346.1888

Fax 206.346.1898

dstearns@marlerclark.com

dfalkenstein@marlerclark.com

Attorneys for Plaintiffs

s/ Charles L. Clay

Alan M. Maxwell, (GA Bar No. 478625)

Charles L. Clay, (GA Bar No. 129505)

WEINBERG, WHEELER,
HUDGINS, GUNN & DIAL, LLC

amaxwell@wwhgd.com

One Atlanta Plaza – Suite 3000

950 East Paces Ferry Rd.

Atlanta, GA 30326

Telephone: (404) 875-9433

Facsimile: (404) 875-9433

Attorneys for Defendant

ORDER

This matter having come before the court as stipulated by and between the parties, and the court having read the stipulation and being thereby fully advised:

Now, therefore, it is hereby

ORDERED, ADJUDGED, and DECREED that all claims asserted by all parties to this action, are hereby dismissed, without prejudice, and without award of costs to any party.

DATED this _____ of December, 2009.

BY THE COURT

By: _____
The Honorable Rudolph T. Randa
U.S. District Court Judge

Presented by:

s/Denis W. Stearns
Denis W. Stearns, State Bar No.
1020675
R. Drew Falkenstein, WSBA #33401
MARLER CLARK, LLP, PS
701 Fifth Avenue, Suite 6600
Seattle, WA 98104
Phone 206.346.1888
Fax 206.346.1898
dstearns@marlerclark.com
dfalkenstein@marlerclark.com
Attorneys for Plaintiffs
Copy received; approved as to form; and

Notice of Presentation waived:

s/ Charles L. Clay
Alan M. Maxwell, (GA Bar No.
478625)
Charles L. Clay, (GA Bar No.
129505)
WEINBERG, WHEELER,
HUDGINS, GUNN & DIAL, LLC

amaxwell@wwhgd.com

One Atlanta Plaza – Suite 3000

950 East Paces Ferry Rd.

Atlanta, GA 30326

Telephone: (404) 875-9433

Facsimile: (404) 875-9433

Attorneys for Defendant